

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
Plaintiff,) )  
vs. ) CIV 06-391-SPS  
 )  
1) DANNY CLAYTON ANSON, )  
a.k.a. Danny C. Anson; )  
2) DEBORAH SUE ANSON, )  
a.k.a. Deborah S. Anson, )  
a.k.a. Deborah Sue Christian; )  
3) BOARD OF COUNTY COMMISSIONERS OF )  
MCINTOSH COUNTY, OKLAHOMA; )  
4) COUNTY TREASURER OF MCINTOSH )  
COUNTY, OKLAHOMA; )  
Defendants.)

JOURNAL ENTRY OF JUDGMENT

This matter comes on to be heard this 28th day of March, 2007, upon the issues in plaintiff's complaint filed herein; the plaintiff, United States of America, appearing by Jeanette Windsor, Assistant United States Attorney for the Eastern District of Oklahoma; the defendants, Board of County Commissioners of McIntosh County, Oklahoma and County Treasurer of McIntosh County, Oklahoma, appearing by their attorney, Gregory R. Stidham; the defendant, Deborah Sue Christian, appearing by her attorney, Mark A. Grober; the Court carefully inspects and examines the files, records, and processes herein and finds that subsequent to the filing of plaintiff's complaint in this action,

The defendant, Danny Clayton Anson, was served with summons and complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure, more than twenty (20) days prior to this date; the Court

further finds that said defendant has made default and by reason thereof, plaintiff's complaint should be and is hereby taken as confessed by said defendant; the Court further finds that plaintiff has fully complied with the Soldiers and Sailors Civil Relief Act of 1940 and the amendments thereto, and that upon motion and affidavit properly filed therefor, this Court has made and entered its Order directing that judgment by default be entered against the defendant not appearing or otherwise answering plaintiff's complaint, and such Order is filed herein.

NOW, the Court proceeds instanter to consider plaintiff's complaint, and carefully examines the exhibits attached thereto, including the note, and real estate mortgage, and upon conclusion, after being fully advised in the premises both as to the facts and the law, finds and adjudges the plaintiff has fully sustained all of the allegations of its complaint; the Court further finds that the plaintiff is entitled to and is hereby given a judgment in personam against the defendant, Danny Clayton Anson and an in rem judgment against the defendant, Deborah Sue Christian, as prayed for in plaintiff's complaint.

And the Court more specifically finds:

That Danny Clayton Anson and Deborah Sue Anson, a.k.a. Deborah Sue Christian, executed and delivered to plaintiff a total of two promissory notes, the dates and amounts of which are as follows:

<u>Instrument</u>	<u>Date</u>	<u>Amount</u>	<u>Interest</u>	<u>Number of Installments</u>
Note	03-14-02	\$121,791.89	5%	38
Note	03-14-02	\$ 42,729.97	4.75%	15

Said notes were rescheduled and/or reamortized from prior notes. Further, that in order to secure the payment of said promissory notes, the makers thereof, made, executed and delivered to plaintiff, their certain real estate mortgages whereby they conveyed and mortgaged to plaintiff the following described real property situated in McIntosh County, Oklahoma, which mortgages were duly executed and acknowledged by said borrowers, and the same are dated, acknowledged, and filed in the office of the County Clerk of McIntosh County, Oklahoma, as follows:

<u>Type</u>	<u>Filed</u>	<u>Book</u>	<u>Page</u>
Mortgage	05-03-00	558	102
Mortgage	03-14-02	603	678

Although the mortgages contained property in excess of the property being foreclosed, a partial release was given for the remainder.

The property described below is the only real property being foreclosed:

**N/2 SE/4 of Section 10, Township 11 North, Range 18 East,  
McIntosh County, Oklahoma**

That the said defendants have defaulted in the payments provided in said notes and mortgages and not paid the same in the amounts and at the times they agreed to pay the same, and by reason

thereof, there is now due and owing the principal sum of \$165,151.86, plus interest accrued through February 27, 2007, in the amount of \$34,477.49, plus interest from that date at the daily rate of \$22.3308 until the date of judgment, and thereafter at the legal rate until paid in full, plus all costs and future costs of this action, including maintenance and protection fees; that by reason of the aforementioned default, plaintiff has elected to declare the entire principal balance and accrued interest thereon due and payable at once.

Further, that the said mortgage expressly provides that if the borrowers default in the payment of the debt secured thereby, the mortgagee may foreclose said mortgage and sell the mortgaged property at foreclosure sale and apply the proceeds from such sale on the said debt; and that appraisement of said premises is expressly waived or not waived at the option of the mortgagee; and that plaintiff mortgagee states that it desires to have said real property sold with appraisement.

Further, that the defendants, Board of County Commissioners of McIntosh County, Oklahoma and County Treasurer of McIntosh County, Oklahoma, have answered claiming some right, title, and interest in and to the property which is the subject of this action. However, the ad valorem taxes have been paid, and now, no taxes are due and owing.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT:**

1. That the plaintiff have a judgment in personam against the defendant, Danny Clayton Anson and a judgment in rem against the defendant Deborah Sue Christian.

2. That the mortgage lien of the plaintiff, United States of America, be and the same is hereby established as a first, prior and superior lien on the real estate and premises hereinbefore described, and that such mortgage lien be and the same is hereby ordered foreclosed, and the mortgaged property is hereby ordered appraised and sold by Judicial Sale in the manner provided by said mortgage and by the provisions of Title 28 U.S.C. §2001 et seq.

3. That should a sale and confirmation occur, the defendants, Danny Clayton Anson and Deborah Sue Christian, and each of them, have no right, title, or interest in or to said mortgaged real property, or any part thereof; and that said defendants, and each of them, and all persons claiming by, through or under them, be and are hereby perpetually barred, restrained and enjoined from ever claiming or asserting any right, title or interest in or to the said mortgaged property, hereinbefore described, which is adverse or hostile to the purchaser at sale.

4. That any one in possession of subject property should relinquish possession upon the receiving of the journal entry of


judgment. If such possession is not relinquished at that time, a Writ of Assistance will be issued.

5. That the proceeds from the sale of said mortgaged property be applied as follows:

FIRST: To the payment of costs of this action, including the cost of foreclosure sale;

SECOND: To the satisfaction of the judgment in favor of the plaintiff, in the amount of \$165,151.86 plus interest through February 27, 2007, in the amount of \$34,477.49 plus interest from that date at the daily rate of \$22.3308, until the date of judgment, plus interest from the date of judgment at the legal rate of 4.93% per annum computed daily and compounded annually until paid in full, plus all costs and future costs of this action; including maintenance and protection fees;

THIRD: The residue, if any, to be paid into the office of the Clerk of this Court to abide the further Order of this Court.

  
UNITED STATES MAGISTRATE JUDGE

APPROVED AS TO FORM;

SHELDON J. SPERLING  
United States Attorney

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BOARD OF COUNTY COMMISSIONERS  
OF MCINTOSH COUNTY, OKLAHOMA  
Defendant

COUNTY TREASURER OF  
MCINTOSH COUNTY, OKLAHOMA  
Defendant

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DEBORAH SUE CHRISTIAN

Defendant

S/MARK A. GROBER

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